

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GABRIEL DIAZ,

Plaintiff,

v.

R. VALDEZ, A. IBANEZ, J.
MELENDEZ, and TRISTAN LEMON,

Defendants.

Case No.: 1:23-cv-00618 JLT HBK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION, WITHOUT PREJUDICE, FOR
FAILURE TO OBEY COURT ORDER AND
FAILURE TO PROSECUTE

(Doc. 6)

Gabriel Diaz, a federal prisoner proceeding *pro se*, filed this civil rights action under 42 U.S.C. § 1983. (Doc. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The magistrate judge issued Findings and Recommendations recommending Diaz's complaint be dismissed without prejudice for failing to prosecute it and for failing to comply with a court order. (*See* Doc. 6.) The Findings and Recommendations notified Diaz that he could file written objections to be filed within 14 days of service. (*Id.* at 5.) Diaz has not filed any objections and the time to do so has passed.

According to 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations are supported by the record and by proper analysis. Accordingly, the Court

ORDERS:

- 1 1. The Findings and Recommendations issued on October 19, 2023, (Doc. 6), are
- 2 **ADOPTED** in full.
- 3 2. This action is **DISMISSED**, without prejudice, due to Plaintiff's failure to obey a
- 4 court order and failure to prosecute.
- 5 3. The Clerk of Court is directed to close this action.

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7 IT IS SO ORDERED.
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9 Dated: November 28, 2023
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UNITED STATES DISTRICT JUDGE